

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOHN DOWTIN

v.

WASHINGTON METRO AREA TRANSIT
AUTHORITY

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Civil Action No. DKC 14-3564

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MEMORANDUM OPINION

John Dowtin filed suit in the Circuit Court for Prince George's County on or about September 16, 2014, against Washington Metropolitan Area Transit Authority ("WMATA") for injuries allegedly inflicted by a former WMATA employee on or about September 2, 2011. The complaint asserts a claim for negligent hiring and retention. (See ECF No. 2). WMATA removed the case to this court and moved to dismiss, contending that governmental immunity protects it from the claim asserted or, alternatively, that the claim is barred by the statute of limitations. (See ECF No. 10). When Plaintiff did not respond to the motion, a show cause order directed Plaintiff to respond. (ECF No. 11). Instead of responding on the merits, prior counsel for Plaintiff notified the court that Plaintiff had died, and that the family elected not to pursue the case. (See ECF No. 12). The court then notified counsel, by reference to *Coppinger v. Schantaq*, No. Civ.A. DKC 2005-2380, 2006 WL 38946

(D.Md. Jan. 5, 2006), that the client's death terminated his agency relationship and that his notice would not constitute a notice of death on the record under Fed.R.Civ.P. 25(a). Nothing further has been filed.

Under the circumstances, the complaint will be dismissed. The failure to oppose a motion to dismiss constitutes an abandonment of the claim, and the failure to prosecute an action similarly leads to dismissal. Here, both arguments asserted in the motion to dismiss are colorable, and the action has been abandoned. A separate order will be entered.

/s/
DEBORAH K. CHASANOW
United States District Judge